



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 29, 1994

Ms. Karen Hendershot Bailey  
Assistant City Attorney  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR94-294

Dear Ms. Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 24424.

The City of Victoria (the "city") has received a request for information about a ruptured water main on the 27th or 28th of December, 1993. You assert that the information is excepted from required public disclosure under section 552.103 of the act.

Section 552.301(a) of the act requires a governmental body that receives a request for information to request an open records ruling from this office within ten calendar days. If the governmental body does not request a ruling within that time, the information is presumed to be open to the public. Gov't Code § 552.302; *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ). This presumption can be overcome only by a showing that the information is confidential under some other source of law or that third-party interests are at stake. See Open Records Decision Nos. 586 (1991); 150 (1977).

The requestor submitted his request for information to the city on January 17, 1994. The city's request for a ruling is post-marked January 31, 1994, four days after the expiration of the ten-day deadline, and this office did not receive the city's letter until February 2, 1994, almost a week after the expiration of the ten-day deadline. The information you have submitted is not confidential under some other source of law.

Furthermore, section 552.103 protects governmental interests, not the interests of third parties. *See* Open Records Decision No. 542 (1990). Therefore, the information may not be excepted from required public disclosure under the act and must be released.

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Mary R. Crouter".

Mary R. Crouter  
Assistant Attorney General  
Open Government Section

MRC/LRD/rho

Ref.: ID# 24424

Enclosures: Submitted documents

cc: Mr. C. W. Leonard  
Investigator  
Law Offices of Hartman, Lapham & Smith, L.L.P.  
P.O. Drawer D  
Victoria, Texas 77901  
(w/o enclosures)